

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1 through 4, 13 through 27, and 36 through 57 are pending, with Claims 1, 24, 43, 53, 54, 55, 56, and 57 being independent. Claims 5 through 12 and 28 through 35 have been cancelled without prejudice. Claims 1 through 4, 13, 14, 24 through 27, and 36 have been amended. Claims 43 through 57 have been added.

The title has been amended as required. Favorable consideration is earnestly solicited.

Claims 1 through 42 were variously provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over (a) Claims 3 and 5 through 29 dated June 30, 2004, of Application No. 09/662,072 and (b) Claim 8 of Application No. 09/664,165. All rejections are respectfully traversed, and Applicants respectfully request that the provisional rejections be held in abeyance until issuance of one of the subject application and the copending application. See MPEP 804.

The disclosure was objected to, and the Official Action states that Applicants:

need to provide all the prior arts that have led to the invention, including the information described in the "Description of the related art" section, i.e., existing patents and publications related to the claimed subject matter. In response, applicant is requested to provide the title, citation and copy of each publication related to the claimed subject matter. For each publication, please provide a concise

explanation of that publication's contribution to the
description of the prior art.

This objection is respectfully traversed. To the extent that the objection requires that the specification be amended, Applicants respectfully note that the MPEP states that the background of the invention should describe to the extent practical the state of the prior art or other information disclosed known to Applicants. The specification contains six pages of "Description of the Related" art, which Applicants respectfully submit to be in full compliance with the foregoing MPEP requirement. To the extent that the objection requires information from Applicants, the objection is respectfully traversed on the grounds that it requires information without (i) demonstrating reasonable necessity (MPEP 704.11); (ii) being narrowly specified (MPEP 704.14); (iii) clearly indicating that a requirement under 37 CFR 1.105 is being made (MPEP 704.14(a)); and (iv) specifying the particular art area involved, and the particular claimed subject matter within such art area (MPEP 704.14(a)). In view of the foregoing, reconsideration and withdrawal of the objection is respectfully solicited.

The Abstract was objected to on the grounds that it:

does not contain key components of the
invention and is not properly understood.
It is not apparent, what selective spoofing
is and what selective spoofing is
providing.... The terms "may be"... are not
allowed. Also the abstract does not
clearly state the goal of the invention

All objections are respectfully traversed. Applicants have amended the Abstract to obviate the grounds of objection, and respectfully submit that the Abstract is in full compliance with MPEP 608.01(b), which section does not require that the Abstract set forth the "goal" of the invention. Favorable reconsideration is earnestly solicited.

The Official Action required that Fig. 1 be labeled as --PRIOR ART--. In response, Applicants have attached hereto a Replacement Sheet comprising Fig. 1 having been so labeled.

Claims 1, 5, 8, 9, 24, 28, 31, and 32 were objected to for informalities, and Claims 1 and 6 were rejected under 35 U.S.C. § 112, 2nd paragraph. All objections and rejections are respectfully traversed, and are submitted to have been obviated by the amendment of the claims in a manner earnestly believed to avoid the grounds of objection and rejection.

Claims 1 through 19 and 24 through 38 were rejected under 35 U.S.C. § 102 over pages 2-7 of the specification. Claims 20 through 23 and 39 through 42 were rejected under 35 U.S.C. § 103 over the specification in view of "Official Notice". All objections are respectfully traversed.

Claims 1 and 24 variously recite, inter alia, that at least one of the following conditions is satisfied: (1) in the case that the selective spoofing unit (Claim 1) or step (Claim 24) has decided to perform transport level spoofing on the transport level connection (in accordance with the determination of what application is using the transport level connection), maximum segment size is set in accordance with the determination of what application is using the transport level connection; (2) in the case that the selective spoofing unit (Claim 1) or step (Claim 24) has decided to perform transport level spoofing on the transport level connection (in accordance with the

determination of what application is using the transport level connection), a three-way handshake parameter is set in accordance with the determination of what application is using the transport level connection; and (3) in the case that the selective spoofing unit has decided to perform transport level spoofing on the transport level connection (in accordance with the determination of what application is using the transport level connection), connection priority is set in accordance with the determination of what application is using the transport level connection.

Claims 43 and 53 variously recite, inter alia, that at least one of the following conditions is satisfied: (1) in the case that the selective spoofing unit (Claim 43) or step (Claim 53) has decided to perform transport level spoofing on the transport level connection (in accordance with at least one field in a packet received by the apparatus), maximum segment size is set in accordance with the at least one field; (2) in the case that the selective spoofing unit (Claim 43) or step (Claim 53) has decided to perform transport level spoofing on the transport level connection, a three-way handshake parameter is set in accordance with the at least one field; and (3) in the case that the selective spoofing unit (Claim 43) or step (Claim 53) has decided to perform transport level spoofing on the transport level connection, connection priority is set in accordance with the at least one field.

Claims 54 through 57 variously recite, inter alia, setting TCP maximum segment size in accordance with an IP address (Claims 54 and 55) or a TCP port number (Claims 56 and 57).

However, Applicants respectfully submit that neither the relied-upon portion of the specification nor “Official Notice”, even in combination, assuming, arguendo, that such could be combined, discloses or suggests at least the above-

discussed claimed features as recited, inter alia, in Claims 1, 24, 43, 53, 54, 55, 56, and 57. The Official Action states that the relied-upon portion of the specification teaches spoofing “based on their associated applications”, which statement is respectfully traversed. Applicants respectfully submit that the portion in question refers to, e.g., allocating spoofing resources “without taking into account the type of application” (see, e.g., p. 7, [0015], emphasis added), and that the portion in question provides neither a description nor a suggestion of at least the above-discussed claimed features.

Furthermore, the Official Notice is respectfully traversed in the absence of a cited reference. MPEP 2144.03. Further, Applicants respectfully submit that there has been no showing of any indication of motivation in the relied upon material that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

REQUEST FOR INTERVIEW

If any questions remain, Applicants respectfully request that the Examiner contact Applicants’ undersigned representative, Craig L. Plastrik, at (301) 601-7252 to schedule a personal interview. Favorable consideration in this regard is earnestly solicited.

PATENT
Attorney Docket No.: PD-990184A
Customer No.: 020991

CONCLUSION

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached at (301) 601-7252. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

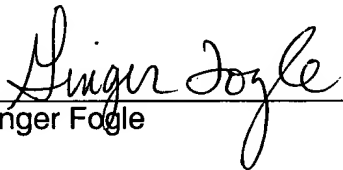


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